

Attorney Docket No. _____

TECHNICAL CENTER 1600/2900

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kim et al.

Serial No.: 09/555,442

Group No.: 1626

Filed: May 31, 2000

Examiner: S. Wright

For: Cyclohexene Carboxylates as Neuraminidase Inhibitors

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☐ a small entity - verified statement:
☐ attached.
☐ already filed.
☒ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8 (a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: October 5, 2001

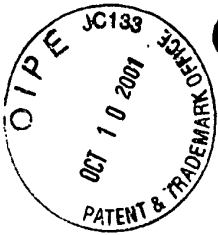
Vicki Collins
(Type or print name of person mailing paper)

Vicki Collins
(Signature of person mailing paper)

10/12/2001 SZEWDIE1 00000005 071250 09555442

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EXTENSION OF TERM

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3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17 (a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$400.00	\$200.00
<input checked="" type="checkbox"/> three months	\$920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
Fee \$		920.00

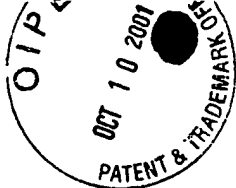
If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 920.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL *	1	MINUS **	42	= 0	X 9 = \$		X 18 =	\$ 0
INDEP. *	1	MINUS **	7	= 0	X 40 = \$		X 80 =	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+135 =	\$		+270 =	\$

TOTAL
ADDIT. FEE \$

OR TOTAL
ADDIT. FEE \$ 0

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____

☒ Charge Account No. 07-1250 the sum of \$ 920.00

A duplicate of this request is attached.

FEE DEFICIENCY

6. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311 (b).

Reg. No. 35,071

Tel. No.: (650) 522-5569


SIGNATURE OF ATTORNEY

Mark L. Bosse

Type or print name of attorney

Gilead Sciences, Inc.

333 Lakeside Drive


P.O. Address

Foster City, CA 94404

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for patents, Washington, D.C. 20231.

Vicki Collins

(Type or print name of person mailing paper)

Date: October 5, 2001

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PATENT

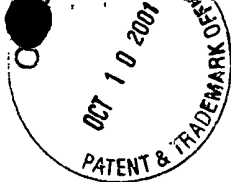
In re PATENT APPLICATION of)	Group Art Unit: 1626
)	Attorney Docket No. 237.US
Kim et al)	Examiner: Wright, S.
)	
Serial No: 09/555,442)	
)	
Filed: May 31, 2000)	
)	
Title: <u>CYCLOHEXENE CARBOXYLATES AS</u>)	
<u>NEURAMINIDASE INHIBITORS</u>)	

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is responsive to the Patent and Trademark Office action mailed June 7, 2001. A request for a THREE MONTH extension of time is submitted herewith, whereby the time for response expires on October 7, 2001.

Group IV, Claim 35, is elected for examination, without traverse. The single species of Claim 35 wherein R⁸ is -OCH₂OCH₃ is provisionally elected for examination. Claims 1-34 and 36-42 are canceled in this response.



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Amendment

In view of the requirement for restriction/election, and under the protection of 35 U.S.C. §121, please cancel Claims 1-34 and 36-42 without prejudice to Applicants' rights to pursue the canceled subject matter in divisional/continuation applications.

Restriction/Election Requirement

The Office has required restriction to one of the following inventions:

Group I; Claims 1-31 and 38-42, drawn to compounds of formula (I) classified in class 546, subclass 51+.

Group II; Claims 32, 37, drawn to compounds of formula (II) classified in class 552, subclass 8+.

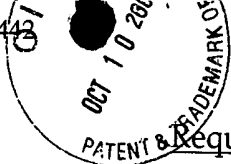
Group III; Claim 33 and 34 drawn to compounds of formulas (III) and (IV) classified in class 549, subclass 449+.

Group IV, claim 35, drawn to compounds of formula (V) classified in class 549, subclass 546+.

Group V, claim 36, drawn to compounds of formula (VI) classified in class 548, subclass 961+.

Election

Applicants provisionally elect, without traverse, the invention of Group IV, Claim. The single species of Claim 35 wherein R⁸ is -OCH₂OCH₃ is provisionally elected for examination.



Request for a Telephonic Interview

If the Examiner deems it useful, Applicants request, at the Examiner's convenience, a telephonic interview with Mark Bosse at (650) 522-5569 for the purpose of expediting the allowance of the present Application.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mark L. Bosse".

Mark L. Bosse, Reg. No. 35,071

Gilead Sciences, Inc.

333 Lakeside Drive

Foster City, CA 94404

Telephone: (650) 522-5569

Facsimile: (650) 522-5575

email: mark_bosse@gilead.com

Dated: October 5, 2001